HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 598 of 2004 (SS)

Smt. Veerbala w/o Sri Shanti Swaroop
R/o House No. 91/II Block Arya Nagar,
Dehradun ..... Petitioner

Versus

1. State of Uttaranchal
2. Engineer in Chief Lok Nirman Vibhag,
   Dehradun.
3. Chief Engineer Level I Garhwal Circle Pauri
4. Superintending Engineer, National High Way
   24th Circle Dehradun
5. Executive Engineer National High Way, P.W.D.
   Dehradun
6. Executive Engineer, Provisional Division,
   P.W.D. Dehradun.
7. Superintending Engineer 12th Circle, P.W.D
   Pithoragarh
8. Pension Directorate, Dehradun
9. Accountant General Pension Branch Dehradun

..... Respondents

Sri V.K. Bisht, Sr. Advocate for the petitioner
Standing counsel for the respondents.

Dated: 22.12.2005

Hon'ble Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioners has prayed for a writ of mandamus directing the respondents to pay family pension and outstanding amount of gratuity to the petitioner.

Briefly stated the petitioner is the window of late Shanti Swaroop who was posted as Junior Engineer in P.W.D. Uttarkashi and died in harness on 5.7.2003. The petitioner has submitted that she made a representation to the Executive Engineer, National High Way P.W.D. Uttarkashi on 18.7.2003. the authority concerned has paid all dues of G.P.F., G.I.S. gratuity except the family pension.

Standing counsel has stated that since a writ petition against the termination order was pending therefore, pension papers were not sent to the competent authority. Now writ petition No. 6439 of 2001 has already been rendered infructuous, there is no impediment in releasing the family pension.

In view of the above averment, the respondents are directed to grant family pension to the petitioner according to rules within three months after the receipt of the certified copy of this order.

Accordingly, the writ petition is allowed. No order as to costs.

Dated: 22.12.2005 **Rajesh Tandon J.**

*Dhyani